

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ELBERTA BERNICE LIEBERMAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 96-523-GMS
	)	
THE STATE OF DELAWARE,	)	
THE FAMILY COURT OF THE	)	
STATE OF DELAWARE	)	
	)	
Defendant.	)	

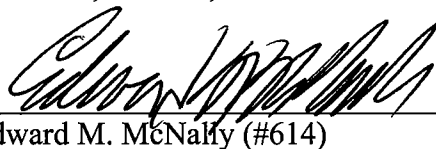
**NOTICE OF LODGING  
OF PROOFS OF SERVICE OF SUBPOENAS**

TO: Marc P. Niedzielski, Esquire  
Deputy Attorney General  
Department of Justice, 6<sup>th</sup> Floor  
820 N. French Street  
Wilmington, DE 19801

PLEASE TAKE NOTICE that Plaintiff lodges herewith the proofs of service of  
subpoenas to the following:

N. Scott Stehle, M.D.  
Thomas E. Jenkins, D.M.D.  
Jane M. Mathisen, M.D.  
Alan M. Gruenberg, M.D.  
Marian P. Droba, M.D.  
Mary Milroy, CNC, L.C.S.W.

MORRIS, JAMES, HITCHENS & WILLIAMS LLP



Edward M. McNally (#614)  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
(302) 888-6800  
emcnally@morrisjames.com  
Attorneys for Plaintiff

March 14, 2005

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF DELAWARE**

ELBERTA BERNICE LIEBERMAN

**SUBPOENA IN A CIVIL CASE**

Plaintiff,

CASE NUMBER:  
96-523 GMS

v.

THE STATE OF DELAWARE, and  
THE FAMILY COURT OF THE STATE OF DELAWARE

Defendants.

**TO:** N. Scott Stehle, M.D.  
 441 Lankenau Medical Office Building West  
 100 W. Lancaster Avenue  
 Wynnewood, PA 19096

☐ **YOU ARE COMMANDED** to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

☒ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Medical records of Elberta Bernice Lieberman for 1993-1994

PLACE Edward M. McNally, Esquire Morris, James, Hitchens & Williams LLP 222 Delaware Ave., 10 <sup>th</sup> Floor P.O. Box 2306 Wilmington, DE 19899-2306	DATE AND TIME  March 18, 2005
--	-------------------------------------

☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiff	DATE February 28, 2005
--	---------------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER  
 Edward M. McNally, Esq., Morris, James, Hitchens & Williams LLP  
 222 Delaware Ave., 10<sup>th</sup> Floor  
 P.O. Box 2306, Wilmington, DE 19899-2306  
 (302) 888-6880

---

**PROOF OF SERVICE**


---

DATE

PLACE

3/4/05

**SERVED**

441 LANKENENAU MEDICAL OFFICE BLDG. WEST

SERVED ON (PRINT NAME)

MANNER OF SERVICE

N. SCOTT STEHLE

ACCEPTED BY N. SCOTT STEHLE

SERVED BY (PRINT NAME)

TITLE

ERIC AFFLERBACH

PROCESS SERVER

---

**DECLARATION OF SERVER**


---

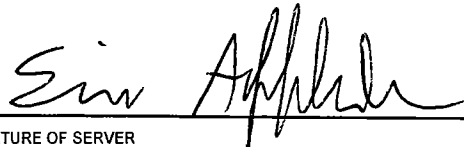
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

3/4/05

DATE

SIGNATURE OF SERVER


**BRANDYWINE PROCESS SERVERS, LTD.****P.O. BOX 1360****WILMINGTON, DE 19899-1360****302-475-2600**


---

**Rule 45, Federal Rules of Civil Procedure, Parts C & D-**
**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials; or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(h) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that,

subject to the provisions of clause (c)(3)(B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

ELBERTA BERNICE LIEBERMAN

**SUBPOENA IN A CIVIL CASE**

Plaintiff,

CASE NUMBER:  
96-523 GMS

v.

THE STATE OF DELAWARE, and  
THE FAMILY COURT OF THE STATE OF DELAWARE

Defendants.

TO: Thomas E. Jenkins, D.M.D.  
2323 Pennsylvania Avenue  
Wilmington, DE 19806☐ **YOU ARE COMMANDED** to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Medical records of Elberta Bernice Lieberman for 1993-1994

PLACE

Edward M. McNally, Esquire  
Morris, James, Hitchens & Williams LLP  
222 Delaware Ave., 10<sup>th</sup> Floor  
P.O. Box 2306  
Wilmington, DE 19899-2306

DATE AND TIME

February 28, 2005

☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Plaintiff

February 8, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Edward M. McNally, Esq., Morris, James, Hitchens & Williams LLP  
222 Delaware Ave., 10<sup>th</sup> Floor  
P.O. Box 2306, Wilmington, DE 19899-2306  
(302) 888-6880

---

**PROOF OF SERVICE**


---

DATE

PLACE

2/11/05

**SERVED**

2323 PENNSYLVANIA AVE. WILM. DE

SERVED ON (PRINT NAME)

MANNER OF SERVICE

THOMAS JENKINS, D. M.D.

ACCEPTED BY CARRIE COLLINS

SERVED BY (PRINT NAME)

TITLE

BARRY EVELAND

PROCESS SERVER

---

**DECLARATION OF SERVER**


---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

2/11/05

DATE

  
 SIGNATURE OF SERVER
**BRANDYWINE PROCESS SERVERS, LTD.****P.O. BOX 1360****WILMINGTON, DE 19899-1360****302-475-2600**


---

**Rule 45, Federal Rules of Civil Procedure, Parts C & D-**
**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance, if such time is less

subject to the provisions of clause (c)(3)(B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial. the court

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

ELBERTA BERNICE LIEBERMAN

**SUBPOENA IN A CIVIL CASE**

Plaintiff,

CASE NUMBER:  
96-523 GMS

v.

THE STATE OF DELAWARE, and  
THE FAMILY COURT OF THE STATE OF DELAWARE

Defendants.

TO: Jane M. Mathisen, M.D.  
445 Rockland Road  
Merion Station, PA 19066☐ **YOU ARE COMMANDED** to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

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PLACE

Edward M. McNally, Esquire  
Morris, James, Hitchens & Williams LLP  
222 Delaware Ave., 10<sup>th</sup> Floor  
P.O. Box 2306  
Wilmington, DE 19899-2306

DATE AND TIME

February 28, 2005

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PREMISES

DATE AND TIME

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ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Plaintiff

February 8, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Edward M. McNally, Esq., Morris, James, Hitchens & Williams LLP  
222 Delaware Ave., 10<sup>th</sup> Floor  
P.O. Box 2306, Wilmington, DE 19899-2306  
(302) 888-6880

---

**PROOF OF SERVICE**


---

DATE

PLACE

2/11/05

**SERVED**

445 ROCKLAND RD. MERION STATION, PA

SERVED ON (PRINT NAME)

MANNER OF SERVICE

JANE MATHISEN, MD

ACCEPTED BY ED MATHISEN

SERVED BY (PRINT NAME)

TITLE

ERIC AFFLERBACH

PROCESS SERVER

---

**DECLARATION OF SERVER**


---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

2/11/05

DATE



SIGNATURE OF SERVER

**BRANDYWINE PROCESS SERVERS, LTD.****P.O. BOX 1360****WILMINGTON, DE 19899-1360****302-475-2600**


---

**Rule 45, Federal Rules of Civil Procedure, Parts C & D-**
**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

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(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

subject to the provisions of clause (c)(3)(B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

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(iv) subjects a person to undue burden.

**(B) If a subpoena**

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(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party or

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

ELBERTA BERNICE LIEBERMAN

**SUBPOENA IN A CIVIL CASE**

Plaintiff,

CASE NUMBER:  
96-523 GMS

v.

THE STATE OF DELAWARE, and  
THE FAMILY COURT OF THE STATE OF DELAWARE

Defendants.

**TO:** Alan M. Gruenberg, M.D.  
Gruenberg & Summers, P.C.  
210 West Washington Square  
Mezzanine Floor  
Philadelphia, PA 19106**YOU ARE COMMANDED** to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

**YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

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Medical records of Elberta Bernice Lieberman for 1993-1994

PLACE

Edward M. McNally, Esquire  
Morris, James, Hitchens & Williams LLP  
222 Delaware Ave., 10<sup>th</sup> Floor  
P.O. Box 2306  
Wilmington, DE 19899-2306

DATE AND TIME

February 28, 2005

**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Plaintiff

February 8, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Edward M. McNally, Esq., Morris, James, Hitchens & Williams LLP  
222 Delaware Ave., 10<sup>th</sup> Floor  
P.O. Box 2306, Wilmington, DE 19899-2306  
(302) 888-6880



---

**PROOF OF SERVICE**


---

DATE

PLACE

2/11/05

**SERVED**

950 E. HAVERFORD RD. BRYN MAWR, PA

SERVED ON (PRINT NAME)

MANNER OF SERVICE

ALAN GRUENBERG, MD

ACCEPTED BY PATSEY SEWELL

SERVED BY (PRINT NAME)

TITLE

ERIC AFFLERBACH

PROCESS SERVER

---

**DECLARATION OF SERVER**


---


I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

2/11/05

DATE

SIGNATURE OF SERVER

  
**BRANDYWINE PROCESS SERVERS, LTD.**  
**P.O. BOX 1360**  
**WILMINGTON, DE 19899-1360**  
**302-475-2600**


---

**Rule 45, Federal Rules of Civil Procedure, Parts C & D-**
**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials; or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(h) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that,

subject to the provisions of clause (c)(3)(B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

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**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

ELBERTA BERNICE LIEBERMAN

**SUBPOENA IN A CIVIL CASE**

Plaintiff,

CASE NUMBER:  
96-523 GMS

v.

THE STATE OF DELAWARE, and  
THE FAMILY COURT OF THE STATE OF DELAWARE

Defendants.

TO: Marian P. Droba, M.D.  
135 South 18<sup>th</sup> Street, Suite 301  
Philadelphia, PA 19103☐ **YOU ARE COMMANDED** to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Medical records of Elberta Bernice Lieberman for 1993-1994

PLACE

Edward M. McNally, Esquire  
Morris, James, Hitchens & Williams LLP  
222 Delaware Ave., 10<sup>th</sup> Floor  
P.O. Box 2306  
Wilmington, DE 19899-2306

DATE AND TIME

February 28, 2005

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PREMISES

DATE AND TIME

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ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Plaintiff

February 8, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Edward M. McNally, Esq., Morris, James, Hitchens & Williams LLP  
222 Delaware Ave., 10<sup>th</sup> Floor  
P.O. Box 2306, Wilmington, DE 19899-2306  
(302) 888-6880

<b>PROOF OF SERVICE</b>
-------------------------

<b>SERVED</b>	<b>DATE</b>	<b>PLACE</b>
	2/14/05	135 S. 18TH ST. PHIL. PA

---

SERVED ON (Print Name)  <b>MARIAN DROBA</b>	MANNER OF SERVICE  ACCEPTED BY  <b>MARIAN DROBA</b>
---	---

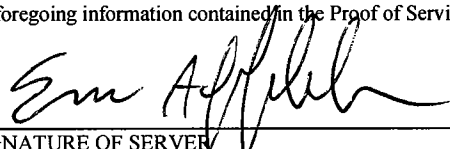
---

SERVED BY (Print Name)  <b>ERIC AFFLERBACH</b>	TITLE  <b>Private Process Server</b>
--	--

<b>DECLARATION OF SERVER</b>
------------------------------

I declare under penalty of perjury under the law of the State of Delaware that the foregoing information contained in the Proof of Service is true and correct.

Executed on: 2/14/05

  
 \_\_\_\_\_  
 SIGNATURE OF SERVER  
 BRANDYWINE PROCESS SERVERS, LTD.  
 P. O. BOX 1360  
 WILMINGTON, DE 19899-1360  
 (302) 475 - 2600

Superior Court Civil Rule 45, Parts C, D & E\*

*(c) Protection of Persons subject to Subpoenas*

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing under burden or expense on a person subject to that subpoena. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the Court. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the Court shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iii) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the Court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**(e) Contempt.**

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed contempt of court.

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

ELBERTA BERNICE LIEBERMAN

SUBPOENA IN A CIVIL CASE

Plaintiff,

CASE NUMBER:  
96-523 GMS

v.

THE STATE OF DELAWARE, and  
THE FAMILY COURT OF THE STATE OF DELAWARE

Defendants.

TO: Mary Milroy, CNC, L.C.S.W.  
5 Leaf Lane  
Woodshade  
Newark, DE 19713

☐ **YOU ARE COMMANDED** to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☐ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

☒ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Medical records of Elberta Bernice Lieberman for 1993-1994

PLACE	DATE AND TIME
Edward M. McNally, Esquire Morris, James, Hitchens & Williams LLP 222 Delaware Ave., 10 <sup>th</sup> Floor P.O. Box 2306 Wilmington, DE 19899-2306	February 28, 2005

☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Attorney for Plaintiff	February 8, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER  
Edward M. McNally, Esq., Morris, James, Hitchens & Williams LLP  
222 Delaware Ave., 10<sup>th</sup> Floor  
P.O. Box 2306, Wilmington, DE 19899-2306  
(302) 888-6880

PROOF OF SERVICE

DATE

PLACE

2/17/05

5 LEAF LN NEWARK, DE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

MARY MILROY, CNC L.C.S.W.

ACCEPTED BY JOHN MILROY

SERVED BY (PRINT NAME)

TITLE

DENORRIS BRITT

PROCESS SERVER

DECLARATION OF SERVER

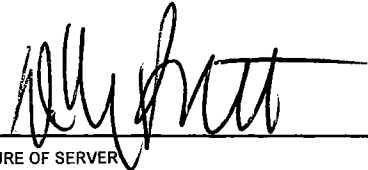
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

2/17/05

DATE

SIGNATURE OF SERVER

  
BRANDYWINE PROCESS SERVERS, LTD.  
P.O. BOX 1360  
WILMINGTON, DE 19899-1360  
302-475-2600

Rule 45, Federal Rules of Civil Procedure, Parts C & D-

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which

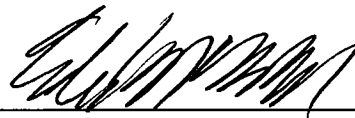
subject to the provisions of clause (c)(3)(B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2005, I electronically filed the Notice of Lodging of Proofs of Service of Subpoenas with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

Marc P. Niedzielski, Esquire  
Deputy Attorney General  
Department of Justice, 6<sup>th</sup> Floor  
820 N. French Street  
Wilmington, DE 19801



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Edward M. McNally (#614)  
Morris, James, Hitchens & Williams LLP  
222 Delaware Avenue, 10th Floor  
Wilmington, DE 19801  
(302) 888-6800  
emcnally@morrisjames.com